EXHIBIT 3

1986 MAR

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STATE OF NORTH CAROLINA
COUNTY OF CABARRRUS

FILED
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CAB. CO. C.S.C.
BY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 76CR5708, AND 76CR5709.

STATE OF NORTH CAROLINA,)
)
VS.)
)
RONNIE WALLACE LONG)
)

1986

MOTION FOR APPROPRIATE RELIEF

****

I Illegal sentence
II Racially discriminatory practice
III IAC at Trial
Appellate counsel

NOW COMES, RONNIE WALLACE LONG, Petitioner in the above-captioned case(s), and respectfully moves the Court, pursuant to N.C.G.S. 15A-1411, 15A-1415, and 15A-1417, for Appropriate Relief; and in support of said motion, shows unto the Court the following:

I.

I was convicted of the offense first degree rape and first degree burglary on the 27thday of September, 1976, in the Superior Court of Cabarrus County, the Honorable Judge, William Z. Wood, Presiding, after entry of a plea of Not Guilty. Both cases were consolidated for trial. One judgment entered.

II.

I was committed to the custody of the North Carolina Department of Corrections on the 30th day of September, 1976, by the Honorable William Z. Wood, Judge Presiding, for a term of Life imprisonment.

III.

I am presently restrained of my liberty at Central Prison, by Warden Nathan A. Rice, Warden, am without income, and am therefore wholly indigent.

IV.

As grounds for my motion, I allege one or more of the following:

1. My conviction was obtained in violation of the Constitution of the United States and the Constitution of the State of North Carolina.

2. The conduct for which I was prosecuted was protected by the Constitution of the United States and the Constitution of North Carolina.

3. The jury venire which was summoned for petitioner's trial was unfairly composed.

4. The trial attorney and appellate counsel failed to adequately represent petitioner during trial and post-conviction proceedings, thereby rendering ineffective assistance of trial and appellate counsel.

In support of my motion, I show unto the Court the following facts:

That petitioner was charged in seperate bills of indictment with first degree rape and first degree burglary. The cases were consolidated for trial and defendant entered pleas of not guilty. The jury returned verdicts of guilty as charged and the trial judge entered judgments imposing a life sentence on each charge. Petitioner gave ample notice of appeal and exhausted all state and federal remedies. See State v. Long, 293 N.C. 286. This is petitioner's first Post Remedy.

STATEMENT OF THE CASE

1. The State offered evidence tending to show that on the evening of 25 April, 1976, Mrs. Gray Bost, a fifty-four-year-old widow, was alone in her home at 158 South Union Street, Concord, North Carolina. She walked into her den around 9:30 p.m. and was grabbed from behind by a black man wearing a black leather jacket, black gloves, and a green toboggan cap covering his ears but not his face. He threw her onto the floor, put a knife at her throat, and demanded money. He pushed her into her bedroom to her bed, where she rummaged through her pocket-book only to find that her money was gone. He then shoved her into a lighted hall, threw her onto the floor, and raped her. The assaulted continued until the phone rang, at which time the assailant jumped up and left. Mrs. Bost then ran unclothed out the back door to her neighbor's home, and was rushed by ambulance to the hospital.

A gynecologist found live active spermatozoa in her vagina, as well as numerous scratches and bruises on her face and body.

The Petitioner offered evidence tending to show that on Sunday, 25 April 1976, Ronnie Long attended a class reunion planning meeting. He made arrangements with friends to go to Charlotte later that night. Mrs. Elizabeth Long, petitioner's mother, testified that her son was at home from around 8:30 p.m. until after 10:00 p.m. Mrs. Long, the petitioner and petitioner's girl friend, Janice Spears, participated in a phone conversation which lasted about forty-five minutes. Ms. Spears indicated that she called the Long residence at 9:00 p.m. She said that she and her son talked with the defendant and Mrs. Long until 9:45 p.m. Shortly after 10:00 p.m., petitioner's father returned home with the car and petitioner left for a party in Charlotte.

ARGUMENT ONE

Petitioner first contends that the officers came to his house on the evening of May 10, 1976 and told him to come down to the station to clear up a trespassing matter. That the officers told petitioner to come down to the station to clear up a trespassing matter. Petitioner contends that while at the police station Officer Vogler asked him to empty his pockets. The petitioner did so, and Vogler took his keys and left. Petitioner asserts that at no time did officers request permission to search his automobile, and that petitioner did not give anyone permission to search the vehicle. Petitioner further asserts there was no coercion or pressure used on him at any time by the officers.

Petitioner further asserts that the search of his automobile at the police station was illegal and that the evidence relating to the discovery of the leather gloves and toboggan cap, and the gloves and toboggan cap themselves, were therefore erroneously admitted into evidence. Petitioner did object to this evidence, the trial judge correctly excuse the jury and conducted a voir dire hearing, found facts from his opinion, entered conclusions thereto of law and ruled on the admissibility of the evidence. State v. Harris, 290 N.C. 681, 228 S.E. 2d 437 (1976); State v. Vestal, 278 N.C. 561, 180 S.E. 2d 755, cert. denied, 414 U.S. 874, 38 L. Ed. 2d 114, 94 S.Ct. 157; State v. Grogan, 40 N.C. App. 371, 253 S.E. 2d 20 (1979); State v. Phillips, 300 N.C. 678, 268 S.E. 2d 452 (1980); See Also State v. Barfield, 298 N.C. 306, 259 S.E. 2d 510 (1979), cert. denied, 448 U.S. 907, 100 S. Ct. 3050, 65 L.Ed. 2d 1137, rehearing denied, 448 U.S. 918, 101 S. Ct. 41, 65 L. Ed. 2d 1181 (1980).

On voir dire, police officers Taylor and Lee testified that they went to

petitioner's home on the evening of 10 May 1976 without an arrest warrant, and requested petitioner to come to the police station to answer some questions. Petitioner asked if he could drive his own car to the station, and the officers agreed. Petitioner then drove to the station, and parked his car in the parking lot. When petitioner entered the station, Officer Taylor read him his rights under Miranda v. Arizona, 384 U.S. 436, 16 L.Ed 2d 694, 86 S.Ct. 1602 (1966), and informed the petitioner that he was a suspect in a rape case. Petitioner signed a form waving thus to Miranda rights and agreed to submit to questioning without the presence of a lawyer. After the questioning, Officers Taylor and Vogler asked defendant for consent to search his automobile. Petitioner purported to have agreed to the search and gave Vogler the car keys. Upon search, Vogler found a green toboggan cap under the front seat, and a pair of black leather gloves over the sun visor. At the time of his arrest, petitioner was wearing a black leather jacket. Mrs. Bost had described a black jacket, a toboggan cap and gloves as similar to those worn by her assailant.

The Trial Judge concluded on voir dire that the petitioner "gave his permission to Officers Vogler and Taylor to search petitioner's automobile...that this search was made with his permission, and the Court concluded ...that it is proper to allow that evidence to be introducted here before the jury; (the court) denied the motion of the petitioner to suppress this evidence."

Petitioner recognizes that when a person voluntarily consents to a search by officers, he cannot later complain that his constitutional and statutory rights were violated, State v. Harris, supra, and that one who so consents waives the necessity of a valid search warrant. State v. Vestal, supra. However, petitioner contends that because he was in custody at the stationhouse, consent was not voluntary given, and since there was no probable cause to search the vehicle, the warrantless search was unconstitutional and the evidence incompetent. Petitioner further asserts that nothing in the record discloses a knowing of Consent Form to search petitioner's vehicle, if petitioner's attorney did not timely and properly give notice of suppression, then such mootness of trial attorney further substaniates his claim of ineffective assistance of counsel which foregoingly shall be addressed. Plain error is done.

For a consent search to be valid, the State has the burden of proving that consent was freely and voluntarily given, without coercion, duress or fraud. Schnecloth v. Bustamonte, 412 U.S. 218, 36 L. Ed. 2d 854, 93 S.Ct. 2041 (1973); State v. Vestal, supra; State v. Little, 270 N.C. 234, 154 S.E. 2d 61 (1967);

State v. Brown, 306 N.C. 151, 293 S.E. 2d 569, cert. denied, ____U.S. ____, 103 S.Ct. 503, 74 L.Ed. 2d 642 (1982)

WARRANTLESS SEARCHES OF AUTOMOBILE NOT REGULATED BY GENERAL STATUTES. See: State v. Summerlin, 35 N.C. App. 522, 241 S.E. 2d 732, cert. denied, 294 N.C. 739, 244 S.E. 2d 157 (1978). Warrantless searches of automobiles and seizures of contraband therefrom without consent are not per se regulated by the North Carolina General Statutes. General Statute of North Carolina, 15A-223, regarding Permissible scope of consent search and seizure states:

(a) Search Limited by Scope of Consent --- A search conducted pursuant to the provisions of this Article may not exceed, in duration or physical scope, the limits of the consent given.

(b) Items Seizable as Result of Consent Search --- The things subject to seizure in the course of a search pursuant to this Article are the same as those specified in G.S. 15A-242. Upon completion of the search, the officer must make a list of the things seized, and must deliver a receipt embodying the list to the person who consented to the search and, if known, to the owner of the vehicle or premises searched. (1973, c. 1286, s.1.)

Petitioner contendses in Schnecloth v. Bustamonte, supra, consent must be shown to be freely and voluntarily given, without coercion, duress or fraud. Upon petitioner's trial, the petitioner took the stand in his own behalf to controvert the consent to search by officers Vogler and Taylor. On the stand, the petitioner was made confused by the district attorney to present to him a consent form verifying a signature bearing the petitioner's authorizing a search by said officers during interrogation. Petitioner knew that the form presented was the very one displayed to him by officer Vogler and Taylor after the search and confiscation of the alleged contraband was retrieved from petitioner's vehicle. Whereupon, officers Vogler and Taylor stated upon presentation of Consent Form that if petitioner wanted to collect the items allegedly confiscated from the vehicle that petitioner must sign the same exact form in order to have them delivered after their investigation. At that point, petitioner signed the form in display. Petitioner was not aware of criminal law, procedure or departmental forms and took the officers presentations in good faith. Not consciously aware that such transactional provisions were to cover up the illegal search and seizure, but only to further,defrauded the petitioner and deprave him of his due process rights and equal protection of the law as guaranteed by the United States Constitution and the Constitution of North Carolina, Article 1, Section 23.

The petitioner, upon arrest, was at a very young age (Nineteen) and was susceptible to trickery and fraud without intelligent scruplings. Petitioner asserts that although the Consent Form was admitted against him, the fruits of it were not voluntarily given, thereby making its validity non-existent.

For a consent search to be valid, the State has the burden of proving that consent was freely and voluntarily given, without coercion, duress or fraud. State v. Vestal, supra; State v. Little, supra. See Chadwick v. United States, 433 U.S. 1, 97 S. Ct. 2476 (1977). An individual's expectation of privacy with respect to the contents of luggage and other possessions, as established in the Chadwick cawe, is entitled to Fourth Amendment protection whether the possessions is located inside or outside an automobile. Although, the contents inside the automobile could legitimately have been seized under the automobile exception, there were no exigent circumstances in justification of a warrantless search. Since Petitioner was only detained as a suspect, petitioner was under the control of the officer's, at the police station, then the officer's should have obtained a search warrant. United States v. Stevie, 582 F. 2d 1175 (1978); Such entry into the automobile, the detachments therefrom, without exigency were invalid under the Fourth and Fourteenth Amendments because they were conducted without valid warrants and without proper consent.

Moreso, the items precluded to be seized must be lawfully acknowledged and listed according to statutory rules, nothing outside those statutory discoveries can be lawfully permissible. The officers in the instant case, had not placed the petitioner under arrest, as the record itself discloses, but had only detained him on mere suspicions. No justification nor constitutional protections afforded them the right to supersede procedural safeguards by being overly-zealous to apprehend the petitioner by deceiving him without proper consent for search and unlawfully obtaining confiscated items, where upon trial an inconsistent scheme was perpretrated by officers to justify the illegally obtained seizures. The courts has held many times that this was exactly the kind of investigatory dragnet that the Fourth Amendment was designed to prevent. Although warrants which use generic descriptions of the items to be seized have been judicially approved, that exception applies to a situation where the property in question is contraband of a specified character. United States v. Abrams, 615 F. 2d 541 (1980).

The Courts has stated often, once it is established that a seizure was effected without a warrant, a presumption of illegality arises and the burden is

shifted to the prosecution; however, the Court held, in the case of State v. Dodd, 396 So. 2d 1205 (App. 1981), that the proof never got to that stage, and the defendant retained the burden of proof. Such as in the instant case regarding the petitioner, Ronnie Long, where the burden of proof prevalently, remained taxed to the petitioner at trial, that the search and seizure of items from his vehicle without a search warrant when petitioner was present at the stationhouse certainly provides an environment very questionable. Especially in light, of the petitioner's age and other general demeanor during such appointed time.

Although the State has the burden of proving that consent was voluntarily given, the United States Supreme Court and the North Carolina Supreme Court have held that Miranda is inapplicable to searches and seizures, and that it is not necessary to inform a suspect that he has the right to refuse consent. State v. Frank, 284 N.C. 137, 200 S.E. 2d 169 (1973); State v. Vestal, supra. The petitioner was a victim of unfair police practices where the shrewd manipulations by Officers Vogler, Taylor and Lee afforded him no clear right to re-address the facts of his consential allegations.

The petitioner contends that the Trial Judge improperly overruled his motions for suppression of the items seized by not arranging an accurate fact situation of the events surrounding the acts of the officers and the petitioner when said items were confiscated. Nor was Attorney Karl Adkins duly performing his duties as an adversarial representative in re-creating the fact-situations his client had pleaded before him.

Petitioner should be afforded an evidentiary hearing to adequately re-orchestrate the circumstances of non-consentual search and seizure as set out in the instant case.

ARGUMENT TWO

The petitioner next assigns as reversible error of his conviction, the violation of his Constitutional and Statutory rights to an adequate challenge of the selection of venirement and the systematic exclusion of blacks,etc...

On the 27th day of September, 1976 during the jury selection stages in the instant case, the petitioner's attorney presented a motion to the trial court offering a challenge to the selection of jurors for the present court

case and those prior to the instant proceedings, with the contentions that the traditional composition of jurors selected for trial duties in Cabarrus County were discriminatory and deliberate at excluding blacks from jury call.)

At the initiational proceeding, Attorney Jim Fuller stated, "Please the Court, from a visual inspection of the jury and based upon the representation, there were only forty-nine people called, there were only two black people in the forty-nine. We move at this time to quash that panel. My understanding that the relative percentage of black in the State of North Carolina in this County is in the approximate area of twenty per cent. That it is obvious that the percentage of blacks included in this panel is four percent, and we think this--"

COURT: Do you want to be heard? Do you want to put on evidence and be heard?

MR. FULLER: I think, in this particular case, the disparity is so great the burden should be on the State to go forward. This is also especially true where special jurors are brought in, and we are frankly unaware for the prospect of those being brought in.

COURT: I'll let you examine the Clerk and Court Officials if you want to.

MR. FULLER: All right, Sir.

As the matter was being heard by the Court in regards to the motion of address, the District Attorney finally enters his objections, stating:

"MR. ROBERTS: The State objects to the conduction of this voir dire hearing, and takes exception thereto on the basis the Motion should have been made prior to the entry of the plea and not subsequent thereto and therefore, the State registers its objection to the hearing."

COURT: OVERRULED. EXCEPTION.

The petitioner has attached as EXHIBIT the entire record of the Motion and Hearing conducted in lieu to the selection of venireman process in the instant case.

The first witness called for examination was the Clerk of Court for Cabarrus County, ESTUS B. WHITE. Whereby, Attorney Fuller examined Mr. White with regards to his position as the clerk and the duties making up that department, especially with regards to the preparations of the jury list. Mr. White, stated on page 3 of the jury hearing exhibits that the sources of names and, also, of course, the basis list was selected by a Jury Commission of three; one appointed by the Senior Resident Judge, Judge Thomas W. Scay; one appointed by the Board of County Commissioners of Cabarrus County; one appointed by Mr. White, as a Clerk of Superior Court, through the process of a selection of a jury for any County as prescribed in Section 9-1, and 2, and 3, of the General Statutes. A list is prepared of approximately five to six thousand numbers. Mr. White went on to state that this list is reviewed by the three members of the Jury Commission who serve as members as selected as he had previously indicated. From this a number is assigned to each of the prospective jurors ranging anywhere from number one through five thousand, or six thousand depending on the number. The numbers Mr. White indicated is on a disk. There's no relation of individual's names, addresses, or any other identification that is given to the Clerk of Superior Court other than a number on a disk. Mr. White confirmed that he keeps a disk box in his office. A jury list is summonsed for a term of Court normally at least thirty days prior to the court being in session, so that they may properly give the jurors time to prepare themselves for serving on jury service. After having reviewed the jury date of summons, Mr. White delivers a list of names to the Register of Deeds. These numbers are placed on a form simply by number as one of the Clerk of Court deputies pull the numbers in preparing a jury list for a particular term of Court. At this point Mr. White stated, a list is prepared by a Register of Deeds, which is addressed to the Sheriff of Cabarrus County, indicating the name of each prospective juror, the address of each prospective juror, and a card number related to the prospective juror.

On page 11 of Jury selection hearing EXHIBIT, Mr. Fuller asked as quoted: "Do you know how the jury panel is selected, the total number?"

MR. WHITE: The jury pool is selected by the Jury Commission Members of three. The Jury Commission use a random choice of selection. They do have a report in my office as to a report, and if you will get that report for me.

COURT: Maybe copies of that ought to be put in the record.

Page 12, paragraph two, MR. FULLER: Mr. White, you were talking about the method of selection of those to go into the jury pool?

MR. WHITE: I have a letter addressed to Mr. James O. Bonds, which is a record of the Clerk of Superior Court's office for John R. Robinson Jr., on his letterhead, as accountant in Cabarrus County.

MR. FULLER: Mr. Robinson is Chairman of the Jury Commission?

MR WHITE: He is Chairman of the Jury Commission and the letter is signed by Edward G. Boggs, Jr., a member of the Commission, and Mrs. Dale Nixson, a member of the Jury Commission, which are the three members of the Jury Commission. If I may read the letter on file it tells the process in which it is reported as to how this jury panel, or group was selected...(READS LETTER). The Petitioner notes that the contents of the letter read by Mr. White does not appear in the transcript for review, only an indicator.

However, the Court moved for the letter to be introduced in evidence as Court's Exhibit Number One.

MR. FULLER: Mr. White, were you involved in the process at which time the names were purged from the original roll list?

MR. WHITE: I'm going to have to think because in the past I may have been asked a question by the Jury Commission as to the manner in which to proceed. I do not recall of any incidence on this particular list that I was asked of any names, or any information. Mr. Robinson has been our Chairman since the beginning of the new jury selection system, which I believe was about in 1967, or '68. I don't recall the exact date of the new selection process.

IRT HERE—[Later in the Jury Selection Hearing Process under direct examination by MR. FULLER the Chairman of the Jury Commission for Cabarrus County was called to testify as such:

MR. FULLER: Would you please state your name, sir?

CHAIRMAN: John R. Robinson, Jr.

MR. FULLER: I believe you are the Chairman of the Jury Commissioners for this County?

CHAIRMAN: Yes, sir.

MR. FULLER: How long have you been so?

CHAIRMAN: Ever since the law has been enacted, I think that was in '67 I believe.

MR. FULLER: Did you participate in the preparation of the report that was previously read by the Clerk?

CHAIRMAN: Yes, sir.

MR. FULLER: Let me show you a copy of what has been previously identified as Court's Exhibit One. I ask you if you could explain, please, sir? Paragraph number three and more particularly definition employed by the Commission in determining who was ineligible and undesirable?

CHAIRMAN: I don't have the law. One of them is nolo contenders and, of course, there's three or four things in the law which I do not have. I have got it in my office but I do not have it here. Some of the things that would disqualify was the fact anybody over about seventy-seven, who cannot hear well, we disqualify them.

MR. FULLER: How do you determine?

CHAIRMAN: We generally find out from the police department, or sheriff, or Kannapolis Police Department. They know a lot of people in Cabarrus County. Most of them have been raised right here in Cabarrus County. Now, about these roll lists you are speaking of, we take the roll list to the Sheriff's department

and sometimes the sheriff comes over to our office on Church Street, and go over name by name and he knows most of them himself personally, but sometimes he also brings a couple of deputys with him; and they in turn help him check the names off of the ones who are supposed to be disqualified, or the same thing is done in the Concord Police Department. The Police Chief and some of his deputys and myself all together go down the list name for name. This also occurs in Kannapolis now. Mr. Boggs, Edgar G. Boggs, takes the list to Kannapolis to the Kannapolis Police Department, that is his territory from the standpoint of the jury list, and he goes over the list with the Chief in Kannapolis, and that's the way we disqualify these people who are not eligible to be on the jury.

MR. FULLER: On the disqualifications you made, is that in the nature of a recommendation from the Sheriff to the Commissioners, or does the Sheriff just line through the names?

CHAIRMAN: Well, I give him a red pencil and he marks that red through that particular name.

MR. FULLER: Any record made of the reason he lines through the names with the red pencil?

CHAIRMAN: He generally tells us as we go down the line. When you are running through about twenty thousand names, it would be pretty hard to keep a record of every name disqualified.

MR. FULLER: Does the Commission vote in each case where the Sheriff red pencils anyone as to whether they are to be kept on?

CHAIRMAN: I'm generally there with him and I generally question him as---

MR. FULLER: What reason does he give to red line these particular people?

CHAIRMAN: If I had the law which I do not have, some of the people are mentally incompetent, nolo contendere and anything, and anybody who has had a felony, those three things stick out in my mind at the present time.

COURT: You are talking about nolo contendere to a felony, or plea of guilty?

CHARIMAN: The book just says nolo contendere. I mean the law I'm speaking of now.

COURT: I believe it says nolo contendere to a felony.

MR. FULLER: Do you take the Sheriff's, or Chief's statement concerning a person, or do you make some kind of independent inquiry?

CHAIRMAN: I don't make any independent inquiry because I don't actually have the time to, but I know all these individual people personally, and I know they are honest people, and they wouldn't take these people off that wouldn't make a good juror.

MR. FULLER: Is there some understanding the Chief, or Chief of Police believe they would make a good juror before they'd be on the list?

CHAIRMAN: No, but just some people they know by law should be disqualified.

Further during examination of the Chairman by Attorney Fuller the question was presented as follows, (Page 26 of the Jury Selection Hearing):

MR. FULLER: Is it correct to say then that you turned over all the red penciling to the Sheriff?

CHAIRMAN: Well, all those three people, yeah.

MR. FULLER: Then on your own you did not have anybody stricken, is that right.

CHAIRMAN: No, sir, for I'm not that familiar with Cabarrus County.

MR. FULLER: So, is it correct to say then that basically when you start with the roll list and you end up with those who have not been marked out by either the Sheriff of Cabarrus County, or Chief of Police, or Kannapolis?

CHAIRMAN: Yes, sir, that is correct.

MR. FULLER: What is the race of the Sheriff of Cabarrus County?

CHAIRMAN: The what, sir?

MR. FULLER: What is the race of the Sheriff of Cabarrus County?

CHAIRMAN: I don't understand what you mean?

MR. FULLER: Sheriff, is the Sheriff black or white?

CHAIRMAN: White.

MR. FULLER: And Chief of Police in Kannapolis?

CHAIRMAN: White.

MR. FULLER: How about the members of the Jury Commission?

CHAIRMAN: All white.

CHAIRMAN: We actually don't need but about twenty-five hundred.

COURT: How many were marked off?

CHAIRMAN: I just couldn't call off the top of my head.

COURT: Is there a list available of those who were marked off?

CHAIRMAN: I don't know for sure, I'll have to go back and check my file.

COURT: How long would that take you to get that file?

CHAIRMAN: I just moved from my office to another office, and I'm really messed up in my office, and files and everything.

COURT: We'll take a brief recess.

Right here the Court erroed alone with my lawyer by not making Mr. Robinson produce those list. My lawyer should have motioned the Court to make Robinson produce those list.

Now Whereupon the hearing resumes, the Chairman continues his answer.

CHAIRMAN: I say there's not anything wrong, I'm sure I got the list somewhere. my lawyer let him off the hook; by talking about something else.

MR. FULLER: Mr. Robinson, I want to show you, if Your Honor please, the Court, this is a xerox copy from the census data thing at the library. This report shows the approximate population of Cabarrus County?

COURT: Yes, sir.

MR. FULLER: Eighteen thousand for the City of Concord, isn't it?

CHAIRMAN: I'm not really sure.

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Petitioner contends that for the purpose of investigation in order to validate his claim of discrimanatory practices regarding jury selection for the County of Cabarrus Superior Court, then the Master List after deletion should have been provided to the petitioner in good faith. The Jury Commission Chairman has a duty and obligation to safeguard and well protect such records for judicial access. The Trial Court could only meet it's proper judicial standard by vesting a decree upon the Commissioner, John R. Robinson, Jr., to locate and display such records before the Court for fair determination, and to, make accessable to the trial attorney and accused for probative references.

The petitioner asserts that mere word of non-discrimanation could not properly satisfy the weight of the challenge and only documentary proof that such acts were not prevalent can negate said claims. The defense attorney did not justly preserve the merits of the list non-attendance by not making a timely exception. Plain error still stands to redress the issue of non-compliance to the list availibility and the petitioner further moves the instant court to adjudicate his assignment for relief.

Petitioner was denied Due Process, Confrontation, Equal Protection and Procedural Fairness guaranteed him thorugh the First, Fourth, Sixth and Four-

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teenth Amendments to the United States Constitution and the North Carolina Constitution, Article I, Section 19 and 23, in so far as the requirements for inspection set forth in the United States Supreme Court under Whitus v. Georgia, 385 U.S. 545 (1966). See also Brown v. State, 238 S.E. 2d 21 (1977), 14 CLB 265. In another case, Hammond v. State, 354 So 2d 280 (Crim. App. 1977), Defendant was indicted for inciting bribery. He moved to quash the indictment, cliaming that the grand jury had been improperly constituted. The jury had been filled exclusively by use of a list of registered voters; this procedure satisfied minimum federal standards but did not meet the requirements of state law, which called for a wider cross-section of the community. The court initially pointed out that unless fraud is present, an indictment is not to be quashed simply because every qualified person is not on the jury selection list. Defendant had cited Gregg v. Maples, 239 So. 2d 198 (Ala. 1970), which held that a system which uses only voter lists is a fraud in law. The court denied the motion to quash. It noted that Gregg involved a writ to reconstitute the jury roll rather than a motion to quash an indictment. The court construed "fraud," for the purpose of quashing, to be the willful omission of persons eligible to serve that results in demonstrable prejudice to the defendant. This defendant could show no prejudice.

The Hammond case is close to proximate principle to the case at bar except in Hammond there was affordable access to all necessary material to investigate, evaluate and purportedly perfect his showing to the court for fair determination. Here, the petitioner was not fully afforded such access and was defensively handicapped to developing the gut substance of the discriminatory issue. The deleted Master List was not summoned to court for adequate determination of juror selection compliance.

NATURE and EXTENT OF RIGHT

The right to trial by jury is a substanial right, and neither the Supreme Court nor the superior court has authority to impose upon any defendant charged with any crime, to which charge he has entered a plea of not guilty, any sentence not supported by a verdict of guilty rendered by a jury properly selected and constituted. State v. Ruth, 276 N.C. 36, 170 S.E. 2d 897, See: N.C.G.S. 15A-1211 thru 15A-1217, added in 1977, provide procedures for the selection and impaneling of the jury and discuss the various grounds for

challenge to the panel and for cause. State v. Taylor, 304 N.C. 249, 283 S.E. 2d 761, comprises of prima facie violations of the Sixth Amendment fair cross-section requirement for juries where the disparity in the racial composition of the jury was only 6.3% and the jury pool was compiled as required by N.C.G.S. 9-2. However, the petitioner does not solely base his contentions on the fact of racial disparity, per se; though on the point of not being afforded the principal access to the required documents and the compulsionary powers by the court to profound such material access, where the elements of proof could have only been fairly resolved. Such material binding to the nature and right of the petitioner was the non-availibility of the Master List thereafter deletion of certain prospective jurors names for call to jury selection in the instant case.

It has long been argued that the traditional data of jury compositions only established the propriety of systematic exclusion of blacks or anyother discriminatory segment of the cross-section community ranging over a period of time and specific officials. The petitioner brings to the light of the instant court that systematic evils can occurr in seperate and distinct cases according to special interests. The case at bar alleges to be a product of such functionalism and upon a thorough review of the record as a whole, there lies supportive evidence of the public and private indicia to substaniate said claims.

Here, a white female over middle ages, the widow of an executive textile industrialman; raped by a black male under questionable circumstances that brought about marches, picketting and other unique elements pending trial disposition.

The petitioner directs the court attention to the testimony of one, John R. Robinson, Jr., Chairman of the Jury Commission, as set out in the jury selection hearing transcript, when question by the Court and Defense Attorney regarding the preparations and selections of each individual juror to be summoned for jury duty in the instant case.

Thereupon direct examination, the attorney solicited the facts from Mr. Robinson regarding the procedures employed in selecting jurors for duty and the method of disqualification of prospective jurors.

Mr. Robinson testified under sworn oath, that the Sheriff, Chief of Police and other designated deputies within the law enforcement departments in question, were afforded the privilege to disqualify whatever prospective juror for reasons regarded lawful and independent. J - Stop here

1. Petitioner contends that if the conviction of an accused is based on an indictment of a grand jury or the verdict of a petit jury from which blacks were excluded by reason of their race, the conviction cannot stand. State v. Ray, 274 N.C. 556, 164 S.E. 2d 457; State v. Wright, 274 N.C. 380, 163 S.E. 2d 897; State v. Lowry and State v. Mallory, 263 N.C. 536, 139 S.E. 2d 870; Arnold v. North Carolina, 376 U.S. 773, 12 L. Ed 2d 77, 84 S. Ct. 1032; Eubanks v. Louisiana, 356 U.S. 584, 2 L. ed 2d 991, 78 S. Ct. 970; Reece v. Georgia, 350 U.S. 85, 100 L. ed 77, 76 S. Ct. 167; Shephard v. Florida, 341 U.S. 50, 95 L. ed 740, 71 S. Ct. 549; Cassell v. Texas, 339 U.S. 282, 94 L. ed 839, 70 S. Ct. 629; Whitus v. Georgia, supra.

2. If the motion to quash alleges racial discrimination in the composition of the jury, the burden is upon the defendant to establish it. State v. Ray, supra; State v. Yoes, 271 N.C. 616, 157 S.E. 2d 386; State v. Brown, supra; Whitus v. Georgia, supra; Akins v. Texas, 325 U.S. 398, 89 L. ed 1692, 65 S. Ct. 1276; See also Duncan v. Louisiana, 391 U.S. 145 (1968), which met the test by the United States Supreme Court through the Sixth Amendment right to a petit jury, made applicable to the States through the Due Process Clause of the Fourteenth Amendment, commanded determination that such exclusion of blacks or any certain class would violate the express prohibitions of the Equal Protection Clause. Congress has made such exlusion a crime. 18 U.S.C. Section 243.

Since March 1, 1875, the criminal laws of the United States have contained a proscription to the following effect:

"No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State on account of race, color, or previous condition of servitude; ..."

By this unambiguous provision, now contained in 18 U.S.C. Section 243, Congress put cases involving exclusions from jury service on grounds of race "in a class by themselves . . . for us the majestic generalities of the Fourteenth Amendment are thus reduced to a concrete statutory command when cases involve race or color which is wanting in every other cases of alleged

discrimination." Fay v. New York, 332 U.S. 261, 282-283 (1947).

The consequence is that where jury commissioners disqualify citizens on the grounds of races, they fail "to perform their constitutional duty. . . recognized by Section 4 of the Civil Rights Act of March 1, 1875 . . . and fully established since the decision in 1881 of Neal v. Delaware . . . not to pursue a course of conduct in the administration of their office which would operate to discriminate in the selection of jurors on racial grounds."

3. But once a litigant has well established a prima facie case of racial discrimination, the burden of going forward with rebuttal evidence is upon the State. State v. Wilson, 262 N.C. 419, 137 S.E. 2d 109; State v. Ray, supra.

4. A defendant is not entitled to demand a reasonable time and opportunity into and present evidence regarding the alleged intentional exclusion of blacks because of their race from serving on grand and/or petit jury in his case. State v. Wright, supra ; State v. Belk, 272 N.C. 517, 158 S.E. 2d 335. "Whether a defendant has been given by the court a reasonable time and opportunity to investigate and produce evidence, if he can, of racial discrimination in the drawing and selection of a . . . jury panel must be determined from the facts in each particular case." State v. Perry, 248 N.C. 334, 103 S.E. 2d 404.

In State v. Belk, supra (272 N.C. 517, 158 S.E. 2d 335), defendant was initially denied but belatedly offered an opportunity by the trial judge to present evidence in support of a motion to quash on the ground that members of defendant's race were systematically excluded from the grand jury, but defendant declined to present evidence during the term in support of the motion. It was Held: No error. Defendant was offered an opportunity to avoid any disadvantage resulting from the initial denial. "From the record it appears doubtful that the motion was originally made in good faith, and it is quite obvious that the defendant seeked to rely upon technicalities that have no merit."

The facts in the instant case are more distinguishable than the facts in the preceeding instances. The trial attorney had applied ample motions in regards to systematically exclusion of blacks from the petit jury and was well on the way of proving such issues. Yet, in the course of his presentations, the most vital and probative form of evidence was determined unavailable to the courts or petitioner's view. The Master List after deletion was purportedly non-placed

by the Jury Commission Chairman, John R. Robinson, Jr. as the record attached so verifies. The petitioner was then defensively handcuffed to the most essential and pertinent fact of evidence to highlight his developing issues.

The aforementioned facts alone does not even suggest a systematic exclusion of blacks from the jury selection process, but prejudicially negated the petitioner of any substanial measure to perfectly address the point of procedure. "Even when there is 'striking' statistical evidence of disparity between the ratio of the races in population and jury service, or of the progressive elimination of potential black jurors through the selection process, the courts have considered such evidence, standing alone, insufficient to constitute a prima facie case of systematically discrimination. See Alexander v. Louisiana, 405 U.S. 625, 31 L. Ed. 2d 536, 92 S. Ct. 1221 (1972); Swain v. Alabama, 380 U.S. 202, 13 L.Ed. 2d 759, 85 S. Ct. 824 (1965)." State v. Brower, 289 N.C. 644, 653, 224 S.E. 2d 551, 558-59 (1976).

It places no undue burden on defense counsel to require them to make investigations into jury composition and selection procedures prior to the time of trial, so long as the time between retention or appointment of counsel, the date the jury panel is drawn, and the date of trial is not so brief as to make such investigation impractical. Compare State v. Inman, 260 N.C. 311, 132 S.E. 2d 613 (1963); State v. Perry, 248 N.C. 334, 103 S.E. 2d 404 (1958). The jury list from which petit jurors are selected is prepared biennially, G.S. 9-2, is a public record, G.S. 9-4, and the jury commissioners who possess knowledge of the sources from which the master jury list is compiled are local residents. G.S. 9-1. State v. Harbison, 293 N.C. at 480-81.

Petitioner further asserts that the availibility of the Master List before deletion was offered by Clerk Eustus B. White, Cabarrus County Clerk of Court, the underlying inquiry of the petitioner, inter alia, was not so much as the Master List, per se; the key deliverance in support of the petitioner's claim of systematic exclusion of blacks from the petit jury belied in the Master List after deleted processes had been performed by the Jury Commissioner's Chairman and appointees. The fact presented during examination of said Chairman, John R. Robinson, Jr., established a clear denial of opportunity to duly challenge the jury composition.

The Jury Commission Chairman, John R. Robinson, Jr., declared certain incompetences when examined by Mr. Fuller, when asked the question of law in regards to disqualification of jurors selected for possible jury duty when he noted one of the requirements as not selecting NOLO CONTENDRES without even a clear definition of what term represented a nolo contendre. The Court went on to explain the matters of his confusions, by stating that a nolo contendre was one who had took such a plead in the charge of a felony.

One of the duties of Jury Commissioner Chairman is to always attach jeopardy to the records and list pertaining to jury selection. Mr. Robinson stated that due to his moving into another office, then such documents were no responsibly secured. There existed indications of question of Mr. Robinsons conduct upon the Courts call for recess in the midst of such examinations where upon resuming the stand for the furtherance of direct examination by Mr. Fuller, at that point Mr. Robinson immediatated that he had done nothing wrong. Certainly, it is the sworn duty of the Jury Commission Chairman to duly upkeep availability to the judicial records vested in his department and to not meet the standards of such service clearly depicts wrongfulness that he obviously was not conscious thereto. Excusing qualified jurors drawn in criminal cases are grounds for complaint, 96 ALR 508.

In State v. Vinson, 287 N.C. 326, 215 S.E. 2d 60, when it was brought to the attention of the trial court that some of the names had been drawn by a deputy sheriff, the court nullified the proceedings and started anew by returning to the hat or box from which drawn the names of the nine jurors already accepted by both sides, discarding the names of all jurors already challenged sucessfully by either party, and giving defendant fourteen and the State nine peremptory challenges, the maximum allowed by G.S. 9-21(a) and (b), without regard to any peremptory challenges either the State or defendant may have exercised theretofore.

Where the court dismisses the panel of jurors, the question of whether the jury commissioner was disqualified becomes moot. Rice v. Rigsby, 259 N.C. 506, 131 S.E. 2d 469. But mere irregularity on the part of the jury commissioners in preparing the jury list, unless obviously, designedly, or intentionally discriminatory, does not vitiate the list or afford a challenge to the array. State v. Koritz, 227 N.C. 552, 43 S.E. 2d 77, cert.denied. 332 U.S. 768, 92

L. Ed. 354, 68 S. Ct. 80, reh. den. 332 U.S. 812, 92 L. Ed. 390, 68 S. Ct. 106.

Petitioner contends that without the deleted jury list to possibly compare with the Master List before deletion, the full right to challenge the validity of the petit jury was made null and void. The obligation on the trial court to insure the petitioner of a fair and impartial jury was to decree a continuance of the case at bar and vest the Jury Commission Chairman with the responsibility of fetching as well as displaying such documents to the courts view and view of the defendant for whatever possible investigative procedures wish to be employed. Without the affordance of such due process right, the petitioner's conviction should be reversed and whatever appropriate relief the instant court deems needed.

In Conclusion, the petitioner directs the court attention to N.C.G.S. 9-2(g) stating: The custodian of the appropriate election registration records in each county shall cooperate with the jury commission in its duty of compiling the list required by this section.

9-2(h) As used in this section "random" or "randomly" refers to a method of selection that results in each name on a list having an equal opportunity to be selected.

Nowhere in the N.C.G.S. Article 1, Section 9 does the legislative intent support independent law officers or other non-sworn or judicially decreed persons to select jurors, prepare the list or draw therefrom, except where there exist the talesman process. State v. White, 6 N.C. App. 425, 169 S.E. 2d 895 (1969). Where an officer is empowered to select and summon talesmen he is vested with some discretion. It is his right and duty to use his best judgment in securing men of intelligence, courage, and good moral character, but he must act with entire impartiality. State v. White, supra.

Wherefore, the petitioner has not been afforded Due Process and Equal Opportunity protections and respectfully moves this instant court to grant an evidentiary hearing, thereafter determining dismissal of the charges against him or in the alternative a new trial.

ARGUMENT THREE

WHETHER THE PETITIONER WAS DENIED INEFFECTIVE ASSISTANCE OF TRIAL AND APPELLATE COUNSEL, AS GUARANTEED BY THE SIXTH AMENDMENT TO THE U.S. CONSTITUTION AND ARTICLE I, SECTION 19 OF THE NORTH CAROLINA CONSTITUTION.

The Petitioner finally asserts that the assistance of counsel provided by Attorney Karl Adkins, Jim Fuller and Yvonne Mims of the Mecklenburg County Bar Association, Independence Plaza Building, Charlotte, North Carolina 28202, failed to meet the competent standards set forth to goven trial attorney in protecting their clients due process and equal protection rights under the U.S. Constitution and the Constitution of the State of North Carolina in so far as:

1. Failing to duly prepare, investigate and provide a competent defense.
2. Failure to object at critical stages during the prosecution of the trial.
3. Failing to assign as error and develop merits of contention on direct appeal where certain constitutional and statutory violations had preceeded the clients convictions.

A defendant has the constitutional right to be represented by counsel whom he has selected and employed. State v. Morris, 275 N.C. 50, 165 S.E. 2d 245 (1969); State v. Hill, 277 N.C. 547, 178 S.E. 2d 462 (1971). The right is not limited or intended to be an empty formality. State v. Hill, supra; State v. Richards, 294 N.C. 231, 240 S.E. 2d 332 (1978). The right to counsel is not intended to be simply an empty formality, but is intended to guarantee effective assistance of counsel. State v. Mathis, 293 N.C. 660, 239 S.E. 2d 245 (1977); State v. Hensley, 294 N.C. 231, 240 S.E. 332 (1978). Constitutional right to counsel has long been recognized as an entitlement to the effective assistance of counsel. State v. Vickers, 306 N.C. 90, 291 S.E. 2d 599 (1982).

It is the obligation of the attorney to serve as counselor and advocate to his client. State v. Luker, 65 N.C. App. 644, 310 S.E. 2d 63 (1983).

Counsel must have opportunity to investigate, prepare and present defense. Since the law regards substance rather than form, the constitutional guaranty of the right of counsel comtemplates not only that a person charged with crime shall have the privilege of engaging counsel, but also that he and his counsel shall have a reasonable opportunity in the light of all attendant circumstances to investigate, prepare and present his defense. State v. Hill, supra; State v. Alderman, 25 N.C. App. 14, 212 S.E. 2d 205 (1972); State v. Cradle, 281 N.C. 198, 188 S.E. 2d 296 (1972).

Effective assistance of counsel, as guaranteed by the Sixth Amendment to the United States Constitution and N.C. Constitution, Art. I, Section 19 and the Section of Art. I, Section 23(iv), is denied unless counsel has adequate time to investigate, prepare and present his defense as an obligation to his clients best interests. Even so, no set time is guaranteed and whether a defendant is denied effedtive assistance of counsel must be determined upon the circumstances of each case. State v. Cobb, 295 N.C. I, 243 S.E. 2d 759 (1978); State v. Moore, 39 N.C. App. 643, 251 S.E. 2d 647, appeal dismissed, 297 N.C. 178, 254 S.E. 2d 39 (1979); State v. Poole, 305 N.C. 308, 289 S.E. 2d 335 (1982).

The petitioner contends that the defense attorneys in the instant case during trial proceedings of Cabarrus County at the September Session of Superior Court failed to adequately prepare and provide the petitioner with the best available advocacy in the light of the challenge at bar. First, there was a presupposed motion to object to the jury composition, selection and contend a systematic exclusion of blacks from the jury system in Cabarrus County at petitioner's initial trial. As the records disclose, there was a non-availability of the jury list after disqualification of certain jurors from it by the Jury Commissioner's Office. See Exhibits attached: Jury Selection Hearing Transcript.

Mr. Fuller nor any of the joining attorney's made a timely exception to the obvious lack of diligence by the Jury Commissioner's Chairman, John R. Robinson, Jr., in obtaining the list. The list after disqualification, a recorded finding that there were independent appointees selected by the Commissioner's in seecting the prospective jurors for petitione's trial, the contention by Mr. Robinson that the list was not available and further that in order to substaniate the challenge of systematic exclusion of blacks from the jury call, then the list implied must to

have been the most important, critical and effective tool controlling the impeachment or quashing of the jury pool and establishing the substance of the proposed challenge. To have turned a deaf ear to the information available to the defense in perfecting the challenge and motion, not rendering a just exception or providing a motion for continuance while such documents become procured to the court's view and view of the defense, then the incompetence on the defense attorney's part resulted in the petitioner being denied the effective assistance of counsel as guaranteed by the U.S. Constitution and the Constitution of North Carolina.

The incompetency of counsel for the defendant in a criminal prosecution is not a constitutional denial of his right to effective assistance of counsel unless the attorney's representation is so lacking that the trial has become a farce and a mockery of justice. State v. Sneed, 284 N.C. 606, 201 S.E. 2d 867(1974); State v. McDiarmid, 36 N.C. App. 230, 243 S.E. 2d 398 (1978). Each case must be approached upon an ad hoc basis, viewing the circumstances as a whole, in order to determine whether an accused has been deprived of effective assistance of counsel. State v. Sneed, supra; State v. Roberts, supra.

The test of effective assistance of counsel, etc.... is most illustrative of recent in the case of State v. Scober, ___N.C. App. ____, 328 S.E. 2d 590 (1985). The test when applied to the representation of the attorney's Fuller, Adkins and Ms. Mims fall far below the standards of due competency and the nature and extent of such ineffectiveness eluded the petitioner of his basic fundamental right to quash the indictment, impeach the jury make-up as a whole and thereby be afforded a fair and impartial test toward a new trial.

In regards to the issue of consent during the trial proceedings where the incriminatory seizures of the personal property being retreived from the petitioner's automobile while at the stationhouse was at bar; the attorney's for the petitioner failed to make proper objections, where legal grounds were afforded the petitioner to possibly argue in suppression of the evidence being displayed to the jury view. By not offering the objections to its admissibility, the merits of such claims were waived and the petitioner was left with the plain error doctrine to further develop the merits in his issues. Where competent attorney has a duty to advocacy in preserving pertinent issues with merits for the record and arguring probative legal substance to negate any infringements. The attorney's in the instant case

failed to protect and preserve the petitioner's best interest to justice and breached their professional duties.

The Due Process Clause of the Fourteenth Amendment guarantees a criminal defendant the effective assistance of counsel on his first appeal as of right. See Evitts v. Lucey 105 S. Ct. 830 (1985). Nonimal representation on an appeal as of right-like nominal representation at trial-does not suffice to render the proceedings constitutionally adequate; a party whose counsel is unable to provide effective representation is in no better position than one who has no counsel at all. A first appeal as of right therefore is not adjudicated in accord with due process of law if the appellant does not have the effective assistance of an attorney. The promise of Douglas v. California, 372 U.S. 353, 83 S. Ct. 814, 9 L.Ed.2d 811, taht a criminal defendant has a right to counsel on his first appeal as of right-like the promise of Gideon v. Wainwright, 372 U.S. 335, 83 S. Ct. 792, 9 L.Ed.2d 799, that a criminal defendant has a right to counsel at trial-would be a futile gesture unless it comprehended the right to effective assistance of counsel. Pp. 833-838.

As the U.S. Supreme Court and the Supreme Court of N.C. has made clear, the guarantee of counsel, "cannot be satisfied by mere formal appointment," Avery v. Alabama, 308 U.S. 444, 446, 60 S. Ct. 321, 322, 84 L.Ed. 377 (1940). "That a person who happens to be a lawyer is present at trial alongside the accused, however, is not enough to satisfy the constitutional command.... An accused is entitled to be assisted by an attorney, whether retained or appointed, who plays the role necessary to ensure that the trial is fair." Strickland v. Washington, 466 U.S., at ____, 104 S. Ct. 2052, 80 L.Ed. 2d 674; see also McMann v. Richardson, 397 U.S. 759, 771 n. 14, 90 S. Ct. 1441 (1970) ("It has long been recognized that the right to counsel is the right ot the effective assistance of counsel"); Cuyler v. Sullivan, 446 U.S., at 344, 100 S. Ct., at 1716.

When a State believes its procerural rules are in jeopardy, numerous courses remain open. For example, a State may certainly enforce a vital procedural rule by imposing sanctions against the attorney, rather than against the client. Such a course may well be more effective than the alternative of refusing to decide the merits of a post-conviction remedy just because the incompetent counsel(s) did not raise them on appeal and reduce the possibility that a defendant who was powerless to obey the rules will serve a term of years in jail or prison on an

unlawful conviction. Petitioner urges that the reasoning heretofore rests on the premises that ineffective assistance of counsel forfeited the petitioner of just results on appeal and has left the only available remedy to provide the facts before the instant court for fair determinations.

For the better part of the petitioner's cause, the privilege of the Court is open and the litigant prays respectfully that no bar to the non-existence of petitioner's incompetent counsels limit this post-review.

NOW WHEREFORE, Petitioner respectfully moves the Court for the following additional relief:

(1) A full evidentiary hearing in my case.
(2) Permission to proceed in forma pauperis.
(3) Appointment of an attorney to represent me pursuant to N.C.G.S. 15A-1421.
(4) Transportation to the Jail of Cabarrus County in order to consult with my lawyer and be present at my hearing.
(5) To grant Petitioner to be heard without bar since one issue was not raised on direct appeal due to incompetent counsel.

RESPECTFULLY SUBMITTED, this the 29th day of July, 1986.

Ronnie Wallace Long - Per Se.

1300 Western Blvd.
Raleigh, North Carolina 27606

V E R I F I C A T I O N

I, Ronnie Wallace Long, the Petitioner in the above captioned action, having first read the above Motion for Appropriate Relief, do hereby verify that the above-mentioned matters are true and correct to the best of my belief and knowledge.

This the 29 dayof July, 1986.

JAMES RAY MOODY
NOTARY PUBLIC
WAKE COUNTY, N. C.
My Commission Expires 4-25-90.

Ronnie Wallace Long-Pro Se.

Sworn and Subscribed Before Me
This the 29 Day of July, 1986.